

40th MEETING
OF THE
MARYLAND HEALTH CARE COMMISSION

Tuesday, December 10, 2002
Minutes

Chairman Wilson called the meeting to order at 12:30 p.m.

Commissioners present: Alcoreza, Beasley, Crofoot, Ginsburg, Murray, and Row
Vice Chairman Malouf and Commissioner Jensen were absent, having recused themselves.

ITEM 1.

Exceptions Hearing

Chairman Wilson said that four hospitals submitted applications for a Certificate of Need to initiate cardiac surgery and therapeutic catheterization services at their respective hospitals. The four applicant hospitals in the Open Heart Surgery Review for the Metropolitan Washington region are: Holy Cross Hospital; Shady Grove Adventist Hospital; Southern Maryland Hospital Center; and Suburban Hospital. Dimensions Healthcare System, which includes Prince George's Hospital Center, participated as an interested party, opposing the application of Holy Cross Hospital and Southern Maryland Hospital Center. Washington Adventist Hospital, a member of Adventist HealthCare, participated in the review as an interested party and joined Shady Grove Adventist Hospital, also a member of Adventist HealthCare, in challenging the applications of Holy Cross Hospital, Southern Maryland Hospital Center, and Suburban Hospital.

Commissioner Larry Ginsburg served as the reviewer in this matter. On November 6, 2002, Commissioner Ginsburg issued his Recommended Decision in which he recommended that the Commission approve a new open heart surgery program in the Metropolitan Washington region and that the Certificate of Need be awarded to Suburban Hospital.

All four applicants and one interested party, Washington Adventist Hospital, filed exceptions to the recommended decision. Responses to the exceptions were filed by Holy Cross Hospital, Shady Grove Adventist Hospital, Suburban Hospital, Dimensions Healthcare, and Washington Adventist Hospital. The following representatives presented oral argument on the exceptions: Kevin Sexton, President of Holy Cross Hospital; Howard Sollins, counsel for Shady Grove Adventist Hospital; Richard McAlee, counsel for Southern Maryland Hospital Center; Jack Eller, counsel for Washington Adventist Hospital; Steven Sfekas, counsel for Dimensions Healthcare; and Jack Tranter, counsel for Suburban Hospital.

Commissioner Ginsburg stated that, having considered the exceptions, his recommendation remained unchanged. He made a motion that the Commission accept his recommendation that the Certificate of Need be issued to Suburban Hospital, with changes to the proposed decision outlined in his memorandum, which had been given to the Commissioners and the parties. The motion was seconded by Commissioner Ernest Crofoot. Following a brief discussion, Chairman Wilson noted that there was a quorum present and that a majority vote of those Commissioners present was required to make a decision. He called for a vote on Commissioner Ginsburg's motion. The motion was approved unanimously.

ACTION: The application for Certificate of Need by Suburban Hospital, Docket No. 01-15-1090, to establish cardiac surgery and therapeutic catheterization services is APPROVED.

ITEM 2.

Hearing and Meeting Schedule

Chairman Wilson announced that the next scheduled meeting of the Maryland Health Care Commission will be on Thursday, December 19, 2002 at 4160 Patterson Avenue, Room 100, in Baltimore, Maryland at 1:00 p.m.

ITEM 3.

Adjournment

There being no further business, the meeting was adjourned at 2:14 p.m. upon motion of Commissioner Dennis Murray, which was seconded by Commissioner Evelyn Beasley, and unanimously approved by the Commissioners.